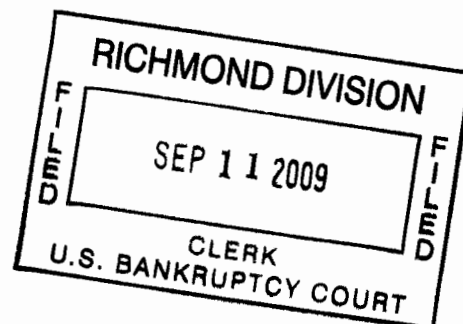


SKADDEN, ARPS, SLATE,
MEAGHER & FLOM, LLP
One Rodney Square
P.O. Box 636
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Attn.: Gregg M. Galardi
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MCGUIREWOODS, LLP
One James Center
901 E. Cary Street
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Attn.: Dion W. Hayes
Douglas M. Foley

SKADDEN, ARPS, SLATE,
MEAGHER & FLOM, LLP
155 North Wacker Avenue
Chicago, Illinois 60606
Attn.: Chris L. Dickerson

Counsel to the Debtors and
Debtors in Possession



IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

-----X
In re: : Chapter 11

CIRCUIT CITY STORES, INC., : Case No. 08-35653 (KRH)
et. al., :
: Jointly Administered
Debtors. :
-----X

**RESPONSE TO DEBTORS' OBJECTION TO DISALLOW THE
FOLLOWING CLAIM BASED UPON ALLEGED NO "LEGAL LIABILITY"**

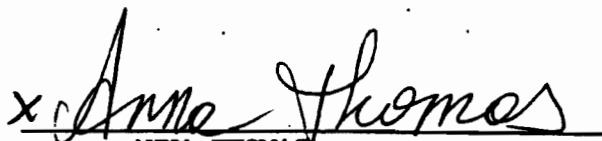
<u>CLAIMANT</u>	<u>CLAIM NO.</u>	<u>AMOUNT CLAIMED</u>
THOMAS, ANNA Shaevitz & Shaevitz 148-55 Hillside Avenue Jamaica, New York 11435 By Stuart Sears, Esq. Phone (718) 291-3400 Fax (718) 739-5654	3145	\$ 1,000,000.00

VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF QUEENS)

ANNA THOMAS, being duly sworn, deposes and says:

That he/she is the plaintiff in the within action; that he/she has read the annexed **Summons and Complaint** and know the contents of the foregoing and that the same is true to his/her knowledge, except as to the matters therein stated to be alleged upon information and belief and that as to those matter, plaintiff believes them to be true.

x 
ANNA THOMAS

Sworn to before me this
8th day of August, 2007


NOTARY PUBLIC, STATE OF NEW YORK
NOTARY PUBLIC, State of New York
No. 02SE5049209
Qualified in Queens County
Commission Expires September 11, 2009

INDEX NUMBER:

20767/07

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS**

ANNA THOMAS,

Plaintiff(s),

-against-

CIRCUIT CITY STORES, INC. and "JOHN DOES",

Defendant(s).

SUMMONS and VERIFIED COMPLAINT

SHAEVITZ & SHAEVITZ, ESQS.
Attorneys for Plaintiff(s)
Office and Post Office Address, Telephone
148-55 Hillside Avenue
Jamaica, New York 11435
718-291-3400

"WE DO NOT ACCEPT SERVICE BY ELECTRONIC TRANSMISSION (FAX)"

To:

Attorney(s) for

Service of a copy of the within
Dated:;

is hereby admitted

Attorney(s) for

**PLEASE TAKE NOTICE
NOTICE OF ENTRY**

That the within is a (certified) true copy of an ORDER entered in the office of the clerk of the within
named court on , 200 .

NOTICE OF SETTLEMENT

That an Order of which the within is a true copy will be presented for settlement to the Hon.
one of the judges of the within named court, at
on , 200 , at 10:00 a.m.

Dated: Jamaica, New York

TO:

SHAEVITZ & SHAEVITZ
Attorney for Plaintiff
148-55 Hillside Avenue
Jamaica, New York 11435
(718) 291-3400

EXHIBIT **“B”**

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X
ANNA THOMAS,

**VERIFIED ANSWER TO
VERIFIED COMPLAINT**

Plaintiff,

-against-

Index No. 20767/07

CIRCUIT CITY STORES, INC. and "JOHN DOES",
said names being fictitious and intended to represent
employees of the defendant,

Defendants.

-----X

Defendant, CIRCUIT CITY STORES, INC., by its attorneys, RENDE, RYAN &
DOWNES, LLP, answering the Verified Complaint of the plaintiff herein upon information and
belief:

AS AND FOR A FIRST CAUSE OF ACTION

1. Denies knowledge or information sufficient to form a belief as to the allegations contained in the paragraph designated "1," and refers all questions of law to the Court.
2. Denies knowledge or information sufficient to form a belief as to the allegation contained in the paragraphs designated "2," "5," "9," "10," "11," "12," "13," and "15" thereof.
3. Denies each and every allegation contained in the paragraphs designated "3," "4," "7," "8," "16," "17," "18," "19," "20," "23," "24," "25," and "26" thereof.
4. Denies knowledge or information sufficient to form a belief as to the allegations contained in the paragraph designated "14," and refers all questions of fact to the finder of fact.
5. Denies knowledge or information sufficient to form a belief as to the allegations contained in the paragraphs designated "21" and "22" and refers all questions of law to the Court and questions of fact to the finder of fact.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

6. That the occurrence complained of was caused in whole or in part by the culpable conduct attributable to the plaintiff including contributory negligence and/or assumption of the risk and that by reason thereof the amount of damages recoverable, if any, shall be diminished in whole or in part by that portion to which the culpable conduct attributable to the plaintiff bears to the alleged conduct of the defendant which allegedly caused the damages.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

7. The equitable share of the liability of the answering defendant, if any, is less than or equal to fifty percent of the total liability of all persons liable, and as such the answering defendant's liability for non-economic loss is limited to its equitable share.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

8. In the event plaintiff recovers a verdict or judgment against the defendant, then such verdict or judgment must be reduced pursuant to CPLR 4545(c) by those amounts which have been or will, with reasonable certainty, replace or indemnify plaintiff, in whole or in part, for any past or future claimed economic loss, from any collateral source.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

9. If the plaintiff was caused to sustain personal injuries and resulting damages at the time and place set forth in the plaintiff's Complaint and in the manner alleged therein through any carelessness, recklessness, acts, omissions, negligence and/or breaches of duty and/or warranty and/or contract other than of the plaintiff, then the said injuries and damages arose out of the several and joint carelessness, recklessness, acts, omissions, negligence and breaches of duty and/or obligation and/or statute, and/or warranty, and/or contract in fact or implied in law, upon the part of non-parties subject to in-personam jurisdiction, and if this pleading defendant is

found negligent as to the plaintiff for the injuries and damages set forth in the plaintiff's Complaint, then and in that event, the relative responsibilities of said pleading defendant must be apportioned by the percentage liability of said non-parties subject to in-personam jurisdiction.

WHEREFORE, defendant, CIRCUIT CITY STORES, INC., demands judgment against the plaintiff dismissing the Complaint, together with the costs and disbursements of this action.

Dated: White Plains, New York
September 26, 2007

Yours, etc.,

RENDE RYAN & DOWNES, LLP.

By: 

CHRISTOPHER J. WHITTON
Attorneys for Defendant
CIRCUIT CITY STORES, INC.
202 Mamaroneck Avenue
White Plains, New York 10601
(914) 681-0444

TO: SHAEVITZ & SHAEVITZ, ESQS.
Attorneys for Plaintiff
148-55 Hillside Avenue
Jamaica, New York 11435
Attention: Stuart Sears, Esq.
718-291-3400

STATE OF NEW YORK
COUNTY OF WESTCHESTER

CHRISTOPHER J. WHITTON deposes and says:

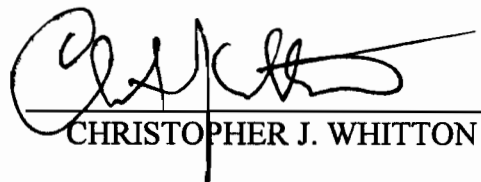
I am a member of the firm of RENDE, RYAN & DOWNES, LLP, the attorneys for the defendant, CIRCUIT CITY STORES, INC., in the above-entitled action.

I have read the foregoing Verified Answer and know the contents thereof; it is true to my knowledge, except as to the matters therein stated to be alleged upon information and belief; and as to those matters I believe them to be true. The sources of my information and the grounds of my belief are file materials examined by me relative to the issues referred to in the Verified Answer.

The reason this verification is made by me instead of by the defendant, CIRCUIT CITY STORES, INC., is that the defendant, CIRCUIT CITY STORES, INC.'s place of business is outside of the County where deponent has its office.

I affirm that the above is true under the penalties of perjury pursuant to Rule 2106 of the Civil Practice Law and Rules.

Dated: White Plains, New York
September 26, 2007



CHRISTOPHER J. WHITTON

WHEREFORE, plaintiff demands judgment against the defendants in the sum of that exceeds the jurisdictional amounts of any lower Court, together with the costs and disbursements of this action.

Dated: Jamaica, New York
August 8, 2007

Yours, etc.



By: Stuart Sears, Esq.
SHAEVITZ & SHAEVITZ, ESQS.
Attorney for Plaintiff(s)
148-55 Hillside Avenue
Jamaica, New York 11435
Phone: (718) 291-3400

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

-----X
In re: : Chapter 11

CIRCUIT CITY STORES, INC., : Case No. 08-35653 (KRH)
et. al., :
Debtors. : Jointly Administered
-----X

**AFFIRMATION IN SUPPORT OF RESPONSE
TO DEBTORS' OBJECTION TO DISALLOW
ANNA THOMAS' CLAIM NUMBERED 3145 BASED
UPON ALLEGED NO "LEGAL LIABILITY"**

STUART SEARS, ESQ., an attorney duly admitted to practice law before the Courts of the State of New York, hereby affirms the following under the penalties of perjury:

1. That I am an associate of Shaevitz & Shaevitz, Esqs., the attorneys for the claimant ANNA THOMAS herein, and as such, I am fully familiar with the facts, circumstances, pleadings and proceedings herein.

2. That I submit this affirmation in support of Claimant ANNA THOMAS' Response to Debtors' Objection to Disallow Claim No. 3145 upon alleged no "legal liability" by Debtor Circuit City Stores, Inc. Claimant respectfully submits that Debtors' Objection should be denied as to the herein claim as the Debtor clearly bears liability.

3. This is a claim for severe and protracted personal injuries sustained by claimant, ANNA THOMAS on December 28, 2006, when she was caused to be battered, assaulted, struck, and precipitated to the ground by employees of Debtor Circuit City Stores, Inc. While

claimant, ANNA THOMAS, aged 69, was a lawful customer in the store open to the general public known as "Circuit City", located at 9605 Queens Boulevard, Rego Park, New York, claimant was intentionally, negligently, recklessly, forcibly struck and knocked to the ground by employees of Debtor Circuit City Stores, Inc.

5. Claimant respectfully submits that on December 28, 2006, prior to this incident occurring, employees of Debtor Circuit City apprehended a shoplifter in their store at the above-mentioned location. Several of Debtors' employees took this shoplifter to one of their offices adjacent to the showroom for questioning. While questioning the shoplifter and waiting for the police to arrive, Debtors' employees negligently allowed said shoplifter to run out of the open office into the crowded showroom. Debtors' employees then ran after the shoplifter into the showroom in hot pursuit. It must be noted that this incident occurred during the busy Christmas and holiday season when the store was crowded with shoppers.

5. While Debtors' employees were running through the crowded showroom after the shoplifter, they ran into, battered, assaulted, and knocked over claimant ANNA THOMAS, who was lawfully shopping. Due to Debtors' intentional, reckless and negligent acts, claimant ANNA THOMAS sustained multiple personal injuries, including but not limited to a right distal radial fracture, as well as tears to the right radial ulnar ligament, scaphoid lunate ligament and triangular fibro-cartilage.

6. Claimant ANNA THOMAS respectfully submits that Debtor Circuit City Stores, Inc. breached their duty to keep their store reasonably safe to the general public. Claimant further respectfully submits that Debtors' breach proximately caused claimant's personal injuries. Claimant's injuries were caused by the intentional, reckless and negligent acts of the

Debtor. This incident would not have occurred if the Debtors' employees acted reasonably. First, said employees should not have allowed an apprehended shoplifter flee from a guarded office into a busy showroom. Second, said employees should not have ran after the shoplifter in hot pursuit through a crowded showroom. Third, said employees should not have battered, assaulted, forcibly struck and knocked down claimant, a 69 year old woman, in the showroom.

8. Based on the foregoing, Claimant ANNA THOMAS respectfully submits that Debtors' Objection should be denied as to herein Claim No. 3145, as the Debtor clearly bears liability for claimant's severe and protracted personal injuries.

9. In furtherance to the herein Claim, annexed hereto please find the following documents:

Exhibit A - a copy of Claimant's previously filed Proof of Claim which contained the following:

- Claimant's Summons and Complaint
- Debtors' Answer
- Claimant's Bill of Particulars
- Claimant's hospital/medical records

Exhibit B - a copy of Claimant ANNA THOMAS 'deposition transcript


Exhibit C - a copy of Debtors' deposition transcript, by their witness, JOSEPHINE TRAPANI

10. Please address any future communications and/or Reply to the herein Response to the undersigned.

11. I affirm that the above is true and accurate.

WHEREFORE, it is respectfully requested that this Court deny Debtors' objection to this Claim in its entirety, along with such other and further relief as the Court deems just and proper under the circumstances.

Dated: Jamaica, New York
September 8, 2009



STUART SEARS, EQ.

TO: Clerk of the Bankruptcy Court
United States Bankruptcy Court
701 East Broad Street, Room 4000
Richmond, Virginia 23219

SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP
Gregg M. Galardi, Esq.
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MCGUIREWOODS LLP
Dion W. Hayes (VSB No. 34304)
Douglas M. Florey (VSB No.: 34364)
One James Center
901 E. Cary Street
Richmond, Virginia 23219
(804) 775-1000

Counsel for Debtors and the Debtors in Possession

STATE OF NEW YORK)

COUNTY OF QUEENS)

*** AFFIDAVIT OF SERVICE ***

COLLETTE PHILITAS, being duly sworn, deposes and says:

I am not a party to the action hereinafter, I am over 18 years of age and live in Nassau County, State of New York.

That on 10th day September, 2009, I served the annexed **RESPONSE TO DEBTORS' OBJECTION TO DISALLOW CLAIM ALLEGED NO "LEGAL LIABILITY", AFFIRMATION IN SUPPORT OF RESPONSE TO DEBTORS' OBJECTION TO DISALLOW ANNA THOMAS' CLAIM NUMBERED 3145 BASED UPON ALLEGED NO "LEGAL LIABILITY" and SUPPORTING PAPERS**, that is attached hereto upon the following named attorney(s):

Clerk of the Bankruptcy Court
UNITED STATES BANKRUPTCY COURT
701 East Broad Street, Room 4000
Richmond, Virginia 23219

SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP
P.O. Box 636
Wilmington, Delaware 19899-0636

SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP
155 North Wacker Drive
Chicago 407-0700

MCGUIREWOODS LLP
One James Center
901 E. Cary Street
Richmond, Virginia 23219

at the addresses designated by said attorney(s) for that purpose by depositing a true copy of same in a post-paid wrapper, in an official depository by regular mail under the exclusive care and custody of the U.S. Postal Service within the State of New York.

Sworn to before me this
10th day of September, 2009.


COLLETTE PHILITAS

NOTARY PUBLIC

STUART L. SEARS

Notary Public State of New York

No. 02SE5049209

Qualified in Queens County

Commission Expires Sept 11, 2009